DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0261-24**	**Applicant:**	**Mr & Mrs J Heppenstall**
Proposal:	Proposed replacement dwelling and detached double garage		
Location:	20 Reservoir Road Surfleet Spalding		
Terminal Date:	22nd May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
22	Replacement Dwellings in the Countryside
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the demolition of an existing dilapidated dwelling and erection of new dwelling and detached garage at 20 The Reservoir, Surfleet Seas End.

Site Description

The site fronts onto Surfleet Reservoir and sits outside of defined settlement limits and is in a functioning floodplain. There are direct neighbouring properties to the east and west with properties to the south across the River Glen. The existing development along The Reservoir is mixed in terms of design and age, with some recent replacements visible.

History

There is no relevant planning history on site.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environment Agency

We note that the description of development for this planning application refers to the proposed replacement dwelling and detached garage; however, the submitted Block Plan, dated 27 March 2024, includes a 'temporary static caravan to remain on site as works proceed (exact siting to be agreed)'. The static caravan is also referred to in section 2.2 of the submitted flood risk assessment.

Our response is based on the understanding that this planning application does not seek permission for the siting of a temporary static caravan. If planning permission is required for the siting of this caravan, we would object in principle due to the risk to life and in line with Paragraph 079 of the National Planning Policy Framework (NPPF) (ID: 7-079-20220825).

Environment Agency position
The proposed development has a flood risk vulnerability classification of 'more vulnerable' and is situated in Flood Zone 3b (functional floodplain); therefore, the development is contrary to the NPPF and planning practice guidance (PPG).

Notwithstanding this, we are aware that the principle of residential use on the site has been established, and therefore if you are minded to grant planning permission we request the inclusion of the following condition to secure flood risk mitigation.

Welland & Deepings Internal Drainage Board

Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to
this application at this stage.

SHDC Environmental Protection Officer

No comments

LCC Highway and Lead Local Flood Authority

Recommendation: No Objections

The application is for a proposed replacement dwelling and detached double garage. The site is served by a private access road and remains unchanged to the existing dwelling. The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. The access road is a private road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on Adopted Reservoir Road and its junction with the continuation of Reservoir Road. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users. Due to the narrow nature of the adopted roads in close proximity to the site a Construction Management Plan will be conditioned and will control any impact the construction of the replacement dwelling may have on the highway network.
As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside".

The site is located outside of any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is, therefore, classed as being in the countryside in planning policy terms. Policy 1 of the Local Plan (Spatial Strategy) states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Notwithstanding the above, Policy 22 of South East Lincolnshire Local Plan (SELLP) 2019 relates to Replacement Dwellings in the Countryside. This policy states that "Proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

1. the residential use of the building to be replaced (the original building) has not been abandoned;

2. the original building is permanent, has not become derelict and is not the result of a temporary permission;

3. the original building is not of architectural or historic merit and is not capable of repair;

4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;

5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and

6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency"

The residential use of the building has not been abandoned. The Reservoir is an area of Surfleet that was mostly developed from the 1930s onwards and there are a range of historic temporary properties as well as repurposed and prefabricated single storey buildings in the area. A number of these are of relatively poor constructional quality and several have been replaced in recent years due to their deteriorating state. A precedent has therefore effectively been set for the replacement of such buildings at The Reservoir.

Over the years, dwellings at The Reservoir have been replaced and some of these are more modern in terms of design. The proposed design is modern in nature and good quality materials would be used in its construction.

The replacement dwelling hereby proposed is positioned on a similar footprint to the original

building, although it is larger in scale. It is not confirmed, but reasonable to assume that the existing building is permeant and did not appear derelict in its form. Furthermore, the existing dwelling is not of architectural or historic merit. As such, criteria 1-5 is complied with.

However, criteria 6 relates to the extent of floor area of the replacement dwelling in relation to that of the original dwelling on site. In this instance, the proposal seeks permission for the replacement dwelling that would have a floor area/space in excess of 134sq metres when equating both the ground floor and the first floor that would be created. Given the relatively modest scale of the existing property on site, it is apparent that the floor area of the replacement dwelling would comfortably exceed that of the original dwelling, to an extent beyond the 40% allowance under Policy 22.

Criteria 6 of Policy 22 does indicate that the 40% increase limit could be exceeded in cases where "the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency". It is also considered that the plot could accommodate a larger dwelling, which the applicant is seeking to make best use of.

However, the proposal in this instance is considered to be of a poor design, that fails to make a positive contribution to the character of the area. The proposed dwelling, as will be expanded on below, is neither exceptional quality, nor innovative in its design. Its design and materials do not meet the requirements of this criteria of Policy 22 and the proposal does not demonstrate 'levels of energy efficiency'.

It is worth noting that this aspect of criteria 6 states is clear in requiring each of the exceptional quality/innovative aspects to be met by utilising the phrase 'and', stating that "the development is of exceptional quality or innovative in nature in terms of its design, use of materials AND levels of energy efficiency".

In light of this, it is therefore clear that the proposal fails to comply with the requirements of Policy 22 and as such, is not considered to be acceptable (further discussion on the design is outlined below).

As such, the proposal therefore conflicts with Policies 1, 2, 3 and 22 of the South East Lincolnshire Local Plan, 2019. The proposal, for the reasons detailed above, fails to meet the criteria of Policy 22 of the South East Lincolnshire Local Plan.

Policies 2 and 3 are concerned with protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in accordance with Section 12 of the National Planning Policy Framework, 2023.

As such, the principle of development is considered to be unacceptable in this instance, when viewed as a whole. Further assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, the potential flood risk and impact on highway safety, are discussed below.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive

and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal relates to a proposed replacement dwelling and erection of a detached garage with a room above, at 20 Reservoir Road, Surfleet. The existing dwelling comprises a relatively small dwelling with a white cladded finish, located on the riverbank of River Glen.

Whilst the existing building is not of significant quality, it clearly reflects the existing unique character of the area. The setting at The Reservoir offers the opportunity to bring forward higher quality development and as such it is accepted, as has been the case with other proposals within the area (including contemporary design), that replacement dwellings can provide a betterment in this location. It is accepted that the area does have a unique character and there are examples of modern replacements on The Reservoir.

Notwithstanding the above, the proposed replacement dwelling and detached garage, by virtue of its design and scale, is not considered to comprise an appropriate design. There is considered to be a material impact from the proposed dwelling and detached garage on the character and appearance of the surrounding area. No pre-application advice was sought prior to submission of the application, and this is considered to be reflected in the proposed design.

Dwelling

The proposed dwelling would measure approximately 10m by 8m with a maximum height of 6.9m, the eves to the southern elevation would be 2.6m, however to the northern elevation the eves would measure 5.2m. This is considered to be unacceptable in terms of design. The dormer window to the southern elevation facing the river is also not characteristic of the immediate surroundings.

The added height to the northern elevation, coupled with the somewhat awkward roof arrangement, would give rise to an unacceptable design when considered alongside the remaining proposed built form and materials; this would be at odds with the surrounding area.

Garage

The proposed detached garage would consist of a maximum height of approximately 6.4 meters, which is considered to be unacceptable in terms of height and design, it should be noted that the proposed garage is only 0.5m lower in height than the proposed dwelling and therefore would comprise a sizable addition that would not appear subservient and would exacerbate the overall impact to the character of the area.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is not considered to be acceptable. The proposal would cause an adverse impact to the character and appearance of the area and would therefore not be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that

development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is not considered that the proposal would have a material adverse impact on residential amenity in terms of being overbearing or causing overlooking or loss of light.

The first floor window proposed to the eastern elevation serves the landing and therefore does not comprise primary living rooms. There are no first floor windows proposed to the western elevation, nor are there any existing residential properties immediately to the north with the southern elevation facing onto the water, therefore there will be no overlooking aspect in this regard.

Although the proposed replacement would result in the introduction of an additional storey, it would be on a similar footprint to the existing and would remain in line with adjacent properties.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The application is for a proposed replacement dwelling with the site comprising ample parking provisions within the site for two cars along with a garage which is considered to be suitable.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the

future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 3b of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is within an area identified as a functional flood plan in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The submitted FRA recommends that the ground floor level should be at a minimum of 5.08m OD, which is 0.3m above the predicted flood level. The current OD level is 3.6 OD, therefore the ground floor level would need to be raised by 1.48m.

The proposal, however, does not comply with these recommendations. The submitted elevational drawings do not show the finished floor level to be raised by 1.48m from the ground level of the proposed dwelling, with this being shown significantly below this level.

No topographical survey has been provided which clearly demonstrates the existing site levels and no proposed site levels have been shown on an independent plan. Therefore, the flood risk assessment is the only document that the LPA can refer within its assessment.

The Environment Agency have no objections subject to the development being carried out in accordance with the submitted FRA and associated addendum, however, as previously stated the submitted plans do not comply with the recommendations. It should also be noted the following was also submitted within the Environment Agency comments.

"We note that the description of development for this planning application refers to the proposed replacement dwelling and detached garage; however, the submitted Block Plan, dated 27 March 2024, includes a 'temporary static caravan to remain on site as works proceed (exact siting to be agreed)'. The static caravan is also referred to in section 2.2 of the submitted flood risk assessment. Our response is based on the understanding that this planning application does not seek permission for the siting of a temporary static caravan. If planning permission is required for the siting of this caravan, we would object in principle due to the risk to life and in line with Paragraph 079 of the National Planning Policy Framework (NPPF) (ID: 7-079-20220825)."

The application does include the siting of the temporary sitting of a caravan, which is already on site. Therefore, given the Environment Agency's comments they would be objecting to the proposal.

In light of the above, the proposal fails to accord with the submitted flood risk assessment and as such would fail to provide adequate mitigation.

Overall, when considering the above, it is considered that the proposal does not accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Submission Details and Quality

Beyond the above, the application was supported by proposed floor plans and elevations, a brief

Design and Access Statement and a Flood Risk Assessment.

The submission was not accompanied by existing floor plans or elevations and as such, the level of detail provided results in a difficult assessment in respect of Policy 22, given that a detailed and accurate assessment of the extent of existing floor space is challenging, with no measurable drawings being provided that allow a review of internal or external floor space.

In addition, the proposed elevational plans submitted of the dwelling include hand drawn alterations such as the addition of 'cat slide details', that are inaccurate and insufficient to adequately assess.

Furthermore, the proposed elevational drawings of the garage, which itself is excessive in scale, includes the addition of hand drawn velux windows/rooflights. These velux windows are clearly inaccurately drawn in that they are not symmetric, and contain lines that are not straight or contain inconsistencies.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 at S7(1) requires applications for planning permission to include a plan which identifies the land to which the application relates but also 'any other plans, drawings and information necessary to describe the development which is the subject of the application'. Although the application was validated by the Council, the drawings provided with the application fail to adequately demonstrate the design or relationship of the proposed development and its setting within the application site or surrounding area. These deficiencies create significant uncertainty as to the appearance and likely impacts of the proposal.

As stated within appeal reference APP/E2530/D/21/3283030, relating to a proposal within an immediately neighbouring authority, "even if this were not my conclusion, the usual 'plans' condition necessary to
ensure a development is constructed as approved, would not, in my view, meet the required tests of precision and enforceability due to the deficiencies of drawn information that I have identified. To grant planning permission on that basis would risk unacceptable planning harm".

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents inappropriate development outside the defined settlement boundary. The development hereby proposed materially harms the character and appearance of the locality and does not conform with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework.

Conclusion

Taking into consideration these factors, the proposal is considered to be contrary to Policies 1,2, 3, 4 and 22 of the South East Lincolnshire Local Plan (SELLP), 2019, as well as advice within the National Planning Policy Framework (NPPF) (December 2023).

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.